

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 06-03146-01-CR-S-DW
)
BRYAN ANDERSON YORK,)
)
Defendant .)

REPORT AND RECOMMENDATION

Upon motion of the defendant and order of the Court, a psychiatric/psychological examination was conducted pursuant to 18 U.S.C. §4241. After the appropriate report was filed, this matter was called for a hearing. The defendant appeared personally and with appointed counsel Ian A. Lewis, Assistant Federal Public Defender. The United States was represented by Douglas C. Bunch, Assistant United States Attorney. Neither party presented evidence, other than the conclusions of the court-ordered evaluation. It is therefore

RECOMMENDED that the defendant be found by a preponderance of the evidence to be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It is further

RECOMMENDED that the defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for a reasonable period of time, not to exceed four months.¹

/s/ James C. England

**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: August 24, 2007

¹ All parties have waived the statutory 10-day waiting period in which to file exceptions. The matter will be submitted to the United States District Judge to whom it is assigned forthwith.